

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SAQUAN HOLLOWAY and ERICA BURGIN,

Plaintiffs,

-against-

THE CITY OF NEW YORK,

Defendant.

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RACHEL P. KOVNER, United States District Judge:

ORDER

20-CV-4929 (RPK) (LB)

Saquan Holloway, a state prisoner, filed this pro se action against the City of New York under 42 U.S.C. § 1983. Holloway seeks to proceed *in forma pauperis* without prepaying fees or costs. But 28 U.S.C. § 1915(b) requires all prisoners—even those proceeding *in forma pauperis*—to “pay the full amount of [the] filing fee”; prisoners instead pay an “initial partial filing fee” and authorize “monthly payments” to pay off the remainder in installments. Accordingly, to commence this action, Holloway must submit a form authorizing the filing fee to be deducted from his prison trust account in installments. Holloway did not submit that form with his application to proceed *in forma pauperis*. By letter dated October 14, 2020, Holloway was provided with the prisoner authorization form and advised that in order to continue with his lawsuit, he must either pay the filing fee or return the completed form within 14 days of receipt of the letter. Holloway has failed to respond. In the absence of a prisoner authorization form, Holloway cannot proceed with this lawsuit. *See Knight v. City of New York*, No. 20-2974, 2020 WL 7062464, at *1 (2d Cir. Oct. 21, 2020); *Brown v. Faucher*, No. 19-3898, 2020 WL 833854, at *1 (2d Cir. Jan 10, 2020); *Laboy v. Beaulieu*, No. 19-3480, 2019 WL 8504709, at *1 (2d Cir. Dec. 12, 2019); *Sanders v. United States*, No. 17-CV-3593, 2018 WL 3148348, at *2 (E.D.N.Y. June 27, 2018); *Fulton v. Monroe Cty. Supreme Court*, No. 18-CV-6386, 2018 WL 10070314, at *2 (W.D.N.Y. June 7,

2018); *Miller v. Annucci*, No. 18-CV-37, 2018 WL 10125145, at *5 (S.D.N.Y. Feb. 27, 2018); *Razzoli v. Exec. Office of U.S. Marshals*, No. 10-CV-4269, 2010 WL 5051083, at *3 (E.D.N.Y. Dec. 2, 2010).

The case cannot move forward without a prisoner authorization form on the ground that Holloway has also named Erica Burgin as a plaintiff. Ms. Burgin did not sign the complaint and no other filing establishes that she has consented to being a plaintiff in this lawsuit. Holloway, who is not an attorney, cannot act on behalf of Ms. Burgin. *See U.S. ex rel. Mergent Servs. v. Flaherty*, 540 F.3d 89, 92 (2d Cir. 2008) (“[A]n individual who is not licensed as an attorney may not appear on another person’s behalf in the other’s cause.”); *Iannaccone v. Law*, 142 F.3d 553, 558 (2d Cir. 1998) (“[B]ecause pro se means to appear for one’s self, a person may not appear on another person’s behalf in the other’s cause.”).

Because Holloway has not submitted the prisoner authorization form required to proceed with this case, the action is dismissed without prejudice. The court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for purposes of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962). The clerk of court is directed to mail a copy of this order to Holloway.

SO ORDERED.

/s/ Rachel Kovner

RACHEL P. KOVNER
United States District Judge

Dated: Brooklyn, New York
December 28, 2020